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Chile

Food and Agricultural Import Regulations and Standards

Country Report

2000 Update

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Report Highlights:

The Food and Agricultural Import Regulations and Standards (FAIRS) for Chile discussed in this report are intended to assist first time exporters, new-to-market exporters, and trade organizations that assist the promotion and expansion of U.S. trade overseas.

Includes PSD changes: No
Includes Trade Matrix: No
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Please Note:

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Santiago, Chile for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

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SECTION I. FOOD LAWS

Chile actively participates in the World Trade Organization and the CODEX Alimentarius Commission. Because Chile is concerned that unscientific technical trade barriers may adversely affect its exports, the government supports the standardization of sanitary and phytosanitary trading regulations.

The Ministry of Health is responsible for food sanitation, including the approval of food ingredients, labels, and packaging of processed foods. The Ministry is currently bringing Chile's food sanitation regulations into conformity with CODEX standards but does not notify the WTO of changes in food regulations that may affect imports.

On August 6, 1996, the Ministry used its power of decree to issue a new, more comprehensive food regulation, Decree No. 977. Changes are announced in the Diario Oficial de la Republica de Chile, www.diariooficial.cl. For a copy of Decree No. 977, check the U.S. Embassy Santiago's home page www.usembassy.cl under Food and Agricultural Affairs - Chile's Market - Chile's Food Sanitary Regulations. Decree 977 is posted in both English (unofficial) and Spanish.

The Servicio Agrícola y Ganadero (SAG) of the Ministry of Agriculture is responsible for enforcing Chile's import regulations concerning alcoholic beverages, organic foods, animal and plant quarantine, and the grading and labeling of beef. The Chief of the Department of International Affairs, Division of Livestock Protection, SAG is one of the Vice Presidents of the CODEX Commission. SAG regularly notifies the WTO of changes in its regulations affecting imports of plant and animal products.

SECTION II. LABELING REQUIREMENTS

A. General Requirements

Importers should submit labels to the Servicio de Salud Metropolitano del Ambiente (SESMA) for review and approval prior to importation. Labels must be in Spanish, but information may be repeated in another language. Sticker labels may be used, but require official permission. Labels must bear the following information:

1. Name of the food product.
2. Net content in metric units.
3. Name and address of the manufacturer, packer, distributor, or importer, as appropriate.
4. Country of Origin. [If processing in Chile results in a change of a product's physical, chemical, biological or organic properties, it is considered a local product for labeling purposes. If the product is only repackaged in Chile, both this fact and the country of origin must be indicated.]
5. Number and date of permit authorizing import.
6. Date of manufacture or packing date. [A production lot code may be used.]
7. Expiration date, or shelf life (in terms of days, months or years), or the phrase "duracion indefinida."
8. List of all ingredients in decreasing concentration, including quantity or percent.
9. List of all additives in decreasing concentration.
10. Instructions for storage, including refrigeration, if special conditions are required for the product to satisfy its minimum duration period or last to its expiration date.
11. Instructions for use.

B. Requirements Specific to Nutritional Labeling

Nutritional labeling is required for processed food products. In general, Chile requires less nutritional information on labels than the U.S. Food and Drug Administration. Nutritional claims must be scientifically recognized, shall neither encourage unnecessary consumption nor give the impression that consumption offers protection against sickness or any debilitating condition, and shall be approved by the Ministry of Health. A nutritional label must contain the following information.

1. Energy in calories.
2. Protein, carbohydrate and fat in grams.
 - a) With respect to carbohydrates, the total amount of sugar must be indicated.
 - b) With respect to fatty acids, the amount of saturated, monosaturated, polyunsaturated fats and cholesterol must be indicated.
3. The amount of any other nutrient, dietary fiber and cholesterol.

[The amounts indicated for 1-3 above shall be for servings of 100 grams or milliliters or a standard portion. The label shall indicate the number and size of servings per package.]

4. Vitamins and minerals when they supply 5% or more of the recommended daily allowance (RDA).
5. When describing the quality of food products, the following terms have specific definitions in Chile's food regulations (Article 120): *Free, Low, Good Source, High, Reduced, Light, Fortified, Enriched*. The terms *free of, low, reduced, and light in cholesterol* cannot be applied to those food products containing more than 2 grams of saturated fat or more than 4% trans fatty acids in a normal serving.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

Plastic packaging materials must not transfer more than 0.05 ppm of vinyl chloride or acrylonitrile or any other substance utilized in the manufacture of plastic elements that may be harmful to health.

SECTION IV. FOOD ADDITIVE REGULATIONS

All additives must comply with the identification, purity and toxicity evaluation rules in accordance with the Codex Alimentarius. It is mandatory that additives be indicated on the label with their specific name, according to the International Numbering System (S.I.N.) and in decreasing concentration order. An exception to this rule are flavoring elements, which may be listed in a generic manner without any ingredient detail.

Only additives on the positive list found in Title 3, Paragraph II of Chile's food regulations (DL 977) may be used. The Ministry of Health may add to this list by further decree, if there is a need.

The addition of substances for therapeutic purposes (pharmaceutical ingredients) is prohibited. In addition, the use of an additive is prohibited if it significantly reduces the nutritional value of an important ingredient (with the exception of dietetic products), conceals poor quality, or misleads the consumer regarding the quantity or nature of the food product.

SECTION V. PESTICIDES AND OTHER CONTAMINANTS

Chile follows the Codex guidelines for pesticide residues on food. The Ministry of Health is responsible for establishing tolerance levels allowed in food products for pesticide residues, heavy metals, and mycotoxin and microbiological contamination.

The use of pesticides in Chile is regulated by the Division of Plant Protection of the Ministry of Agriculture. The contact for information on approved pesticides is:

Sr. Carlos Leon
Division of Plant Protection
Agricultural and Livestock Protection Service (SAG)
Ministry of Agriculture
Avd. Bulnes 140, 3rd Floor
Santiago, Chile

Phone: 698-8205.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

(Product Registration, Testing, Certification, Special Documentation or Conformity Assessment Requirements)

See Section IX below:

SECTION VII. OTHER SPECIFIC STANDARDS.

- 1. Consumer Packaging or Municipal Waste Disposal:** Containers and wrappers used in the distribution of food products must be made or lined with materials that will resist the transfer of toxic or contaminating substances that might modify the organoleptic or nutritional nature of the products.
- 2. Weights and Measures:** The net content must be expressed on the label in units of the metric system. For those food products packed in a liquid medium, the drained content of the product must also be indicated.
- 3. Vitamin Enrichment Requirements:** The Ministry of Health has established maximum limits for vitamins and minerals added to foods. See table below. Decree 1.844 of November 10, 1998 and Article 114 of Decree 977 of August 6, 1996 are the applicable regulations.

Vitamins	% RDA/Serving
Hydro-soluble vitamins	25
Vitamin C	35
E and K oil-soluble vitamins	20
A and D oil-soluble vitamins	15

The above limits do not apply to foods designed for special regimes, such as foods fortified to address a specific public health need. A calcium fortification limit is set by the Ministry of Health for each specific food product, according to the type of calcium salts used and the target population of the product.

4. Novel Foods: On October 27, The Ministry of Health initiated the process of developing rules for labeling these products. As of the date of this report, nothing has been announced.

5. Dietetic or Special Use Foods: See Title 28, Paragraph 8 of Decree 977 treats low fat and low calorie food products.

6. Food Sanitation Laws/Guidelines:

Decree No. 725, 1967.

Decree No. 2763, 1979.

Decree No. 977, August 6, 1996.

Decree No. 1844, November 10, 1998.

Decree No. 475, July 12, 1999

7. Marine Products: See Titles 12 (fish) and 13 (shellfish) of Decree 977.

8. Animal Quarantine: The Ministry of Agriculture, Department of Livestock Protection, enforces strict salmonella testing on imports of fresh and frozen poultry as a quarantine measure. If any samples of a shipment are found positive for salmonella, the shipment is prohibited from entering the country. However, cooked poultry meat may enter Chile under the conditions specified in Regulation No. 1597 of June 4, 1997, issued by the Division of Livestock Protection, SAG.

9. Wine, Beer and Other Alcoholic Beverages: The wine and alcoholic beverage industries are regulated by the Servicio Agrícola y Ganadero. Labels on wine may indicate origin, variety of grape, and year of harvest when at least 75% of the grapes used to produce wine fit the description used. The expression "*Estate Bottled*" or similar expressions may be used when the wine comes from grapes grown on lands owned or rented by the vineyard and located in the same geographical area as the denomination of origin. SAG's authority to enforce the labeling law is found under law No. 18,455. For further information, contact:

Servicio Agrícola y Ganadero
Departamento Protección Agrícola
Subdepartamento Vinos y Vinos
Av. Presidente Balmes No. 140
Santiago
Phone: (56-2) 696-0649
Fax: (56-2) 696-6480
Email: vinas@sag.minagri.gob.cl

10. Organic Foods and Health Foods: The market for organic foods within Chile is negligible. With a view toward developing the industry, the National Institute of Standards (Instituto Nacional de Normalización) in 1999 established Norma NCh2439 which establishes principles for the production (with set periods for certification), packaging, labeling and sale of organic products for export. Norma NCh 2079, approved in March 2000, established general criteria for the accreditation of organizations certifying products as "organic." The administration of the production and certification of organic products is under the Servicio Agrícola y Ganadero.

11. Product Samples: A sample is considered of no commercial value when its weight does not exceed 20 kilograms of solid product. In the case of additives, or granulated products, the limit is 250 grams. In the case of higher quantities for personal use or for laboratory samples, these must be certified by notary public letter. This letter is also necessary for Customs clearance.

12. Irradiated Foods: Chile permits the irradiation of food products. See Title 6 of Decree 977 for further information. The irradiation of foods shall be done in conformity with the Code of Good Irradiation Practices of the International Consultative Group for Irradiation of Foods established under the auspices of the Food and Agricultural Organization of the United Nations (FAO), the International Atomic Energy Agency and the World Health Organization. When more than 5% of a product's ingredients have been treated with radiation or ionizing energy, the label must indicate very close to the product name the treatment employed, using phrases such as: *"treated with ionizing energy"*, *"processed with ionizing energy"* or *"preserved with ionizing energy"*. It may also carry the logo or symbol, internationally acknowledged for these effects. Decree 977 does not limit the use of radiation to particular food products.

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS

Chile belongs to the World Intellectual Property Organization, and patents, trademarks, industrial designs, models and copyrights are protected in Chile by the provisions of the International Convention for the Protection of Industrial Property (the Paris Convention). Chile's intellectual property regime is generally compatible with international norms, with a few exceptions. Chilean law provides for the protection of registered trademarks and places priority on trademark rights according to filing date. The registration of trademarks is valid for renewable periods of 10 years.

A common problem faced by foreign companies that wish to begin operations in Chile is that other individuals or companies may already have registered their trademarks. Chilean courts have been supportive in cases where the trademark has been "stockpiled" but gone unused, but less so in cases where investments were made in use of the trademark. In either case, legal proceedings can be lengthy and expensive. The foreign firm should make a business decision whether to take legal action or negotiate with the party who registered the trademark.

A trademark should be registered as soon as the exporter/investor has any intention of doing business in Chile. Ownership of the trademark is not prejudiced by lack of use in cases where the registered party makes use of the mark in other countries, and trademarks may be perpetually registered in periods of ten years at a time. Firms wishing to register their trademarks should do so at the Ministry of Economy, Departamento de Propiedad Industrial, Teatinos 120, Piso 1, Tel: (56-2) 672-5522.

Legislation to bring Chilean intellectual property protection into compliance with the WTO agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) was to be submitted by the GOC to the Congress in mid-1999, but as of October 1999 the legislation had not been sent to Congress.

SECTION IX. IMPORT PROCEDURES

A. Customs Clearance

A local agent or importer is absolutely necessary to clear food products for sale and distribution in Chile.

Approval of sale is granted by health authorities on a shipment-by-shipment basis. There are no blanket product approvals.

As a precaution, importers introducing new products to Chile sometimes submit samples of these products to the Chilean Institute of Public Health, Ave. Marathon No, 1000, Santiago for analysis to confirm that they comply with existing regulations.

The procedure for obtaining permission to import food products begins in the Health Service Office at the port of entry. For example, if the port of entry is “Comodoro Arturo Merino Benitez” airport (Santiago’s International Airport), clearance is handled by SESMA (Metropolitan Environmental Health Service, web site: www.sesma.cl).

The first step is to request “customs destination approval”, which authorizes the retrieval of the products from Customs and their transfer to bonded storage, where they must be stored intact and separate from other goods pending sampling and inspection by health authorities. Obtaining “customs destination approval” usually takes 72 hours (3 working days). Forms should be obtained from the Customer Service Office (Oficina Atención al Usuario) of SESMA, located in Av. Bulnes 194, Santiago, from Monday through Friday, between 8:30 to 15:00. Fees are assessed by weight in kilograms.

Required Documents:

1. Original and five (5) copies of the Customs Destination Form #2003 (“Solicitud Certificado Destinacion Aduanera”).
2. Photocopy of the resolution certifying to the sanitary condition of the warehouse to which the products will be moved upon leaving customs.
3. Air waybill, ocean bill of lading, or product invoice.

B. Clearance for Sale within Chile

The sampling and testing of products is conducted by the Health Service Office of the region where the products are being stored. Depending on the potential health risk and the necessary tests involved, this process may take up to 4 weeks.

Required Documents:

1. Original and one copy of the Import Approval Form, #2004, (“Solicitud Autorización Sanitaria para Internación de Productos”).
2. For fresh and raw seafood: A cholera-free certificate, if cholera is detected in the country of origin.
3. For meats: A hormone-free certificate.

C. Recommended Documents for Facilitating Clearance

1. A certificate of analysis of microbiological quality, and/or physical chemical analysis.
2. A Health Certificate and/or Certificate of Free Sale issued by a recognized public health department in the country of origin confirming that the product is fit for human consumption, is sold freely throughout the country, and if processed, describing the product.

3. A technical sheet.
4. Labels or empty containers or packages.
5. For irradiated foods:
 - a) A certificate indicating the dosage level and a description of the packaging.
 - b) A certificate issued by the competent government agency authorizing the plant to irradiate food products.
 - c) A certificate recognizing that the plant is included in the international inventory of irradiation plants.

Certificates issued in the country of origin should be completed in or translated into Spanish. Fees for sampling and conducting tests are calculated according to product weight in kilograms.

APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS

WTO Entry Points

Sanitary/Phytosanitary (SPS)

Servicio Agrícola y Ganadero (SAG)
Departamento de Asuntos Internacionales
Avenida Bulnes 140
Santiago

Telephone: +(562) 672 36 35/688 38 11
Telefax: +(562) 671 74 19
E-mail: rrii@sag.minagri.gob.cl or dia@sag.minagri.gob.cl

Technical Barriers To Trade (TBT)

Direccion de Relaciones Economicas Internacionales
Ministerio de Relaciones Exteriores
Alameda Bernardo O'Higgins 1315, 2 piso
Santiago

Telephone: +(562) 696 00 43
Telefax: +(562) 696 06 39

Enforcement of Food Regulations

Departamento de Programas del Ambiente
Division Salud Ambiental
Ministerio de Salud
Estado 360, piso 8
Santiago

Telephone: +(562) 664 10 23
Telefax: +(562) 664 42 08

Sampling and Inspection of Imported Foods

Servicio de Salud Metropolitano del Ambiente (SESMA)
Avenida Bulnes 174
Santiago
Telephone: +(562) 383 13 02/383 13 59
Telefax: +(562) 639 33 39

Compliance with Pesticide Residue Regulations

Division Proteccion Agricola
Servicio Agricola y Ganadero (SAG)
Ministerio de Agricultura
Avenida Bulnes 140, piso 3
Santiago

Telephone: +(562) 698 82 05

Chilean Standards

Instituto Nacional de Normalizacion
Matias Couseno 64, piso 6
Santiago

Telephone: +(562) 441 0330

Telefax: +(562) 441 04 27

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APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS

Analysis of Products for Compliance with Existing Food Regulations

Chilean Institute of Public Health
Avenida Marathon No, 1000
Santiago

Telephone: +(562) 350 74 77
Telefax: +(562) 239 69 60

U.S. Embassy
Office of Agricultural Affairs
U.S. Embassy
Andres Bello 2800
Las Condes

Telephone: +(562) 330 37 04
Telefax: +(562) 330 32 03
E-Mail: usfas@rdc.cl

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